

K&L GATES

December 3, 2020

Robert F. Pawlowski
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By ECF & Regular Mail

T 973.848.4032

Attention Lisette Rodriguez, Courtroom Deputy (Newark)
Chambers of Hon. Brian R. Martinotti, U.S.D.J.
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Room 2020
Trenton, NJ 08608

Re: *GEA Mechanical Equipment US, Inc.*
Civil Action No.: 2-20-cv-09741-BRM-ESK

Dear Ms. Rodriguez:

I write with respect to the Notice of Call for Dismissal Pursuant to Fed. R. Civ. Pro. 4(m) filed by the Clerk on December 1, 2020, which I understand was only applicable to defendants, Federal Insurance Company and Travelers Casualty and Surety Company.

Further to our conversation this morning, I write to confirm that Defendants Federal Insurance Company and Travelers Casualty and Surety Company were dismissed without prejudice from the state court matter captioned *GEA Mechanical Equipment US, Inc. v. Federal Insurance Company, et al*, Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-005721-19, prior to removal to this Court. Attached are the relevant orders of dismissal.

In light of the foregoing, I understand that the Notice of Call will be dismissed. If my understanding is incorrect, please so advise me as soon as possible.

Please let me know if you need anything else in this regard.

Respectfully,



Robert F. Pawlowski

Attachments

CC: All Counsel of Record (by email)

2. Any claims asserted or which could have been asserted by GEA in its Second Amended Complaint, as against Federal, are hereby preserved, and GEA shall not be barred or otherwise precluded or limited in any way from asserting such claims by the entire controversy doctrine or any other similar doctrine of claim preclusion.

3. Any defenses asserted or which could have been asserted by Federal in response to GEA's Second Amended Complaint, except for defenses based on the entire controversy doctrine or any similar doctrine of claim preclusion, are hereby preserved, and Federal shall not be barred or otherwise precluded or limited in any way from asserting such defenses by the entire controversy doctrine or any other similar doctrine of claim preclusion.

4. A copy of this Order shall be served on all counsel of record within five days of entry.




Hon. Robert C. Wilson, J.S.C.

____ Opposed
 Unopposed

Consented to as form and substance.

K&L GATES LLP
Attorneys for Plaintiff
GEA Mechanical Equipment US, Inc.

COHN BAUGHMAN & SERLIN
Attorneys for Defendant
Federal Insurance Company

By: 

Donald W. Kiel

By: /s/ Lawrence A. Nathanson
Lawrence Nathanson

Dated: June 30, 2020

Dated: June 29, 2020

